

In the United States Court of Federal Claims

No. 23-811C

(Filed: July 31, 2023)

* * * * *

LARRY GOLDEN,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

* * * * *

ORDER

On May 31, 2023, plaintiff filed the present complaint, which was then transferred to the undersigned on June 15, 2023. Before defendant could respond to the complaint, plaintiff filed a motion for summary judgment on June 20, 2023. Defendant then timely filed a motion to dismiss pursuant to Rule 12(b)(6) on July 14, 2023, along with a motion to stay briefing of plaintiff's motion for summary judgment. On July 24, 2023, plaintiff moved to strike defendant's motion to dismiss. In order to streamline the resolution of this case and to avoid further unnecessary filings, the following is ordered:

1. Because we view the motion for summary judgment as premature and due to the pendency of the motion to dismiss, defendant's motion to stay briefing of plaintiff's motion for summary judgment is granted.
2. Because plaintiff has not shown an improper purpose or that the motion to dismiss was filed in violation of the rules, his motion to strike is denied. Plaintiff's response to the motion to dismiss remains due on August 11, 2023.

s/Eric G. Bruggink
ERIC G. BRUGGINK
Senior Judge